

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**NATIONAL PAYMENT SYSTEMS
LLC,**

Plaintiff,
v.
**BSR ACQUISITION COMPANY LLC
and AURORA SOLUTIONS LLC,**
Defendants.

No. 3:20-cv-00983-SB
OPINION AND ORDER

MOSMAN, J.,

On October 14, 2020, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F. & R.) [ECF 41]. Judge Beckerman recommended that I GRANT IN PART Plaintiff's Motion to Remand [ECF 15], remand the case to Multnomah County Circuit Court, and DENY Plaintiff's request for an award of attorney fees and costs. No objections were filed, but Plaintiff wrote a letter to the Court [ECF 43] asking to withdraw its pending fee request and seeking an immediate order of remand. Defendants filed a letter in response objecting to Plaintiff's request. [ECF 44]. Upon review, I agree with Judge Beckerman and I decline to accept Plaintiff's offer to withdraw its fee request.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F. & R. [ECF 41] as my own opinion. Plaintiff's Motion to Remand [ECF 15] is GRANTED in part and DENIED in part. Plaintiff's request for an award of attorney fees and costs is DENIED and this case is remanded to Multnomah County Circuit Court.

IT IS SO ORDERED.

DATED this 10th day of November, 2020.



MICHAEL W. MOSMAN
United States District Judge